



COPYRIGHT FOR PHOTOGRAPHERS

Why Copyright Matters & How to Protect Your Images

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Without question, the photography profession has changed dramatically in the past fifteen years. Advances in photographic and printing equipment and changes in basic office operations due to better technology have revolutionized how photographers operate artistically and professionally. Complicating matters is the fact that almost any member of the general public can copy your image and display it globally in a matter of seconds.

So, how can you as a professional photographer protect your images? How do you educate yourself, your clients and prospects without offending them? And what do you do if you need help putting a stop copyright infringement? Don't worry, Professional Photographers of America (PPA) is here to help you.

PPA provides a Copyright Kit, a step-by-step instruction guide that shows photographers how to be more protected when it comes to their business, but also for their most precious commodity, their images. PPA photographers get access to this Copyright kit for FREE, but they also they get access to PPA's full-time Copyright & Government Affairs staff, resource center, webinars and a whole lot of forms, contracts and releases.

To help you better understand copyright, let's take a look at some of the most frequently asked questions that PPA photographers ask our Copyright & Government Affairs department.

What Is A Copyright?

A copyright gives its owner the right to copy, distribute, publicly display or create derivative works from the original work. A copyright also gives its owner the right to license those rights to others. As soon as you push the shutter release on your camera, you possess the copyright to the photograph you created. You own the image and control the reproduction and its' public display. But, to get "full" copyright protection, you'll need to register your work with the U.S. Copyright Office.

The same law that protects photography also protects music, motion pictures, magazines, books, choreography, sculptures and more. The current copyright term is the life of the creator plus 70 years or, for works "created" by a corporation, either 95 years after publication or 120 years after creation—whichever comes first.

Did you know?
Approximately
10,000 people call
PPA each year, trying
to find the copyright
owner of a photo or
group of photos.

How Do I Protect My Images?

Unlike the public of twenty years ago, consumers now have easy and inexpensive access to quality printers and scanners. They routinely post and repost photographs on social media. Maintaining your livelihood depends on protecting your images. Here are some proactive steps you can take to protect your images and business.

1 Mark your images.

The first step in protecting the copyright of an image is to mark it. Marking puts viewers on notice that they should not copy or scan the image without your permission and it also communicates who the copyright owner is and how to contact them. Here's an example:

©2014 Jane Doe Photography
Illegal to copy or scan without permission.
Hometown, USA 123.456.7899

PPA photographers can also put their membership number and PPA's toll-free Customer Service number (800.786.6277) instead of their own telephone number. By using the PPA phone line, you ensure that clients can reach you even if your number changes or you sell your business.

You can also mark your images with visible or invisible watermarks, special finishes on prints, or digital fingerprints on electronic files. Detailed information on marking images is outlined in the Copyright Kit PPA photographers get.

2 Educate the public and your clients.

Go beyond saying your “photography is protected by federal law” Your clients may know that it’s illegal to make copies of their portraits at a local copy center, but they may think it okay to put them on their home scanner and post online. Help your clients and the general public gain a better understanding of the importance of copyrights:

People don't know what they don't know. Especially when it comes to copyright.

- Place signs and brochures regarding copyrights in your studio. PPA photographers can tap into their resource library, download FREE signs and brochures, and print them out.
- Add a line clearly mentioning copyright in your sales agreements or contracts (e.g.: “All photography by ABC Studio is protected from copying, scanning, reproduction, enhancement or manipulation by federal law.” Several examples and samples are available online to PPA photographers.
- Include a copyright insert with every order (print or digital formats alike). PPA photographers get two free packs of printed inserts (50/pack) each year and can purchase more if needed.

3 Register your images.

When your work is created, it is copyrighted. In the U.S. there is a dual system of copyright protection—your work is either registered and well-protected, or unregistered with little to no protection.

The copyright that exists on your image from the moment of creation provides you with very few tools for enforcing your rights. In a legal action, the most you could recover would be the fee you would have charged, plus any money that you can prove the infringer made based on their illegal reproduction. On the other hand, if you register your work with the U.S. Copyright Office within three months of your first publication of the work, you have very powerful weapons for enforcing your rights: statutory damages and attorney fees.

Put the odds on your side and register your images with the U.S. Copyright Office.

4 Make changes in how your business operates.

Take a step back and look at your entire operation, not only to protect your copyrights but also to increase your sales. Business practices should be reviewed regularly, especially in a field like photography where dramatic changes can occur rapidly.

Choose a business model that helps YOU be more profitable.

Many photographers now do not allow previews or proofs outside of their studio, preventing a client from copying those images. You can post previews on a website, possibly password protected, where images can be viewed and where there’s little danger of copying since a low-res file will not yield a good print. Many photographers also now sell packages (especially with events such as weddings) rather than rely on reprint orders. Some photographers even offer negatives or digital files to their clients as part of some of their packages. Of course, how your business operates will be different than another photographer’s, and your business decisions need to be based on what works best for you.

To learn more on your business operation options, check out PPA’s Education and Business Consulting department. It helps photographers realize the full potential of their business.

5 List Your Contact Information in the Picture Licensing Universal System.

List and maintain your contact information at www.plusregistry.com. The PLUS Registry is free and allows you to add a listing so as to help track your copyrights. It operates on a co-op model, funded by optional contributions from Supporting Members.

**Be more protected:
you never know
what tomorrow
is about.**

6 Learn about licensing your images.

As the owner of the copyright of your photographs, you may transfer some or all of the rights of an image to another person or an entity. A transfer may give a partial or full license to the material for a certain period of time or for the duration of the copyright. If you decide to transfer the entire copyright to your client, you are waiving all rights to the image involved. A limited usage license might permit a client to use the photograph in a specific way for a specified period of time. An unlimited usage license would give the client the right to use the image in any manner he chooses, but you would retain the copyright so that you may also use the image as you choose. For samples and examples of licensing agreements, visit the copyright section of PPA's Benefits page at PPA.com/Copyright.



You should always obtain written model releases when you take photographs of people, so that you may use the image in advertising and displays without fear of retribution for violating the subject's privacy. Not all states have laws requiring written, rather than simply oral, permission from models. However, it is a good idea to get one in every case and keep it on file. You will probably never need it. If you do wind up in court, though, you will have written proof that you had the model's permission to use his/her image. PPA's Copyright Kit contains a sample model release form that's easy to use.

7 Keep abreast of developments in copyright law and policy-making.

Stay informed on changes in the law and how it's applied by regularly checking the U.S. Copyright Office website and periodically conducting Internet searches regarding copyright law. Updates on copyright laws and court cases are also regularly posted on ppa.com. PPA staff members are available for consultation with PPA photographers regarding copyright questions, while PPA's full-time lobbyists advocate for better and more comprehensive copyright protection, covering photographers' interests in Washington, D.C.

**Did you know?
There is only ONE
organization that lobbies
to advance the copyright
cause of photographers
in Washington DC?
Only one, and
it's PPA!**

What Do You Do If Someone Infringes on Your Copyright?

The suggestions above will go a long way toward protecting your property interest in your images, but they may not go far enough. If you choose not to register your copyright with the U.S. Copyright Office and someone infringes upon that copyright, your recovery will be limited to the actual damages and lost earnings that you can prove. On the other hand, if you registered your image(s) and someone uses it without your permission, then you may recover statutory damages (between \$750 and \$30,000) and the oh-so-costly attorney's fees.

By registering your images with the U.S. Copyright Office you will be in a much stronger position to demand payment for an infringement of your copyright. The threat of having to fend off a lawsuit, pay statutory damages, and attorney's fees will lead most offenders to negotiate a settlement.

If you find that a client, or large corporation, has infringed on your copyright, you have several options:

- Speak to the infringer. This option works best if the infringer is someone you know, and you believe the infringement was unintentional or the result of ignorance.
- Write a cease-and-desist letter or ask your attorney to write one. If you have registered your copyright, mention in the letter that the penalties are between \$750 and \$30,000 per infraction as well as attorneys' fees. Most retailers or corporations would rather settle at this point than go through a lengthy lawsuit.
- File a lawsuit. If all else fails, you can bring suit. Remember, though, you will not be entitled to statutory damages unless you have registered your copyright.

PPA
photographers
can tap into a full-time
staff to help find solutions
on copyright issues at
800.786.6277

For the latest information
regarding copyright laws
and procedures, visit
PPA.com/Copyright

About PPA:

Professional Photographers of America (PPA) is the largest international nonprofit association created by professional photographers, for professional photographers. Almost as long-lived as photography itself, PPA's roots date back to 1869. It assists more than 27,000 photographers in 60+ countries through protection, education and resources for their continued success. If you are a photographer, see how PPA can help you get to the next level and be more at PPA.com.